

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WALTER DUANE WHITE,

Petitioner,

v.

Civil Action No. 3:07cv8
(Judge Bailey)

JOYCE FRANCIS, Warden,

Respondent.

ORDER DENYING MOTION TO APPOINT COUNSEL

There is no Constitutional right to have appointed counsel in a federal habeas case. Pennsylvania v. Finley, 481 U.S. 551 (1987). Nonetheless, counsel may be appointed in a § 2241 proceeding to a financially eligible person if justice so requires. See 18 U.S.C. § 3006A(a)(2)(B). Some of the factors to be considered in making this determination are the complexity of the case and the petitioner's ability to litigate the matter. See Vega v. Williamson, 2005 WL 3117677 (M.D.Pa. Nov. 22, 2005).

Because a review of the file shows that the matters in this case are not complex and that thus far, the petitioner has handled the prosecution of this case in an appropriate manner without counsel, the petitioner's Motion for Appointment of Counsel (dckt. 31) is **DENIED**.

IT IS SO ORDERED.

The Clerk is directed to mail a copy of this Order to the *pro se* petitioner.

DATED: July 25, 2007.


JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE